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February 17, 2015

VIA ECF

Justice Sandra L. Townes, U.S.D.J.
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Brown v. Marriott International, Inc.
Docket No.: 14 CV 5960 (SLT)(MDG)
Our File No.: 105-18017
Handling Attorneys: Paul A. Fino, Jr. and Daniel M. Stewart

Dear Judge Townes:

My office represents defendant Marriott International Inc. ("Marriott") in the above-referenced matter. I submit this letter in accordance with Your Honor's individual motion practices to advise of Marriott's intention to file a motion to dismiss based on *forum non conveniens*, and pursuant to F.R.C.P. 19(b) for Marriott's inability to join indispensable parties. Marriott requests a pre-motion conference.

The facts in brief are that plaintiff Veronica Brown was a guest at the "St. Kitts Marriott Resort and Royal Beach Casino," located in the Federation of St. Kitts & Nevis, a federal two-island country in the West Indies. Plaintiff alleges that she sustained injuries when she slipped and fell in her hotel room, allegedly due to a leaking air conditioning unit.

The first-named defendant, "St. Kitts Marriott Resort and the Royal Beach Casino," is not a viable entity upon information and belief; rather, it is simply the name of the subject hotel facility. Marriott concedes that it is an American corporation, organized and incorporated under the laws of the State of Delaware. However, Marriott is not a proper party to the action, as it did not own, operate, manage, or otherwise control the hotel facility where plaintiff was allegedly injured. Rather, the entities who own and operate the subject facility are corporations organized and existing under the laws of the Federation of St. Kitts & Nevis.

The Kittian companies and their employees who own and operate the hotel facility are not subject to the jurisdiction of this Court. The Federation of St. Kitts & Nevis is a sovereign country with its own justice system, and U.S. District Courts have previously found that the Federation provides an available alternative forum for litigation in the context of a *forum non conveniens* analysis.

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As such, defendants intend to file a motion to dismiss the case based on *forum non conveniens*, as the proper venue for plaintiff's claims is in the Federation of St. Kitts & Nevis, and pursuant to Rule 19(b), for the inability to join indispensable parties.

Given the nature of the intended motion, Marriott will ask for a stay on factual discovery until the motion is decided. In that regard, the parties are scheduled to appear before Magistrate Go for an initial scheduling conference on February 23.

We are available to discuss any and all aspects of this request at Your Honor's convenience.

Very truly yours,

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